

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MARSHALL J. MARTIN, et al,

:

Plaintiff(s)

:

Case Number: 1:04cv631

vs.

:

District Judge Susan J. Dlott

DAVID M. HENRY, et al,

:

Defendant(s)

:

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Timothy S. Hogan. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on July 29, 2005 Report and Recommendations (Doc. 16 and 17). Subsequently, the plaintiffs filed objections to such Report and Recommendations.

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendations should be adopted.

IT IS ORDERED THAT defendant Rudduck's motion to dismiss (Doc. 6) is hereby GRANTED and plaintiffs' claim against defendant Rudduck for injunctive relief is hereby DISMISSED WITHOUT PREJUDICE. It is further ordered that defendant Aspacher's motion to dismiss (Doc. 7) is GRANTED consistent with the reasoning stated

in the Report and Recommendation. Plaintiffs' claim against defendant Aspacher for injunctive relief is hereby DISMISSED WITHOUT PREJUDICE and plaintiffs' claims for damages are STAYED pending resolution of the underlying state prosecution.

IT IS SO ORDERED.

s/Susan J. Dlott  
Susan J. Dlott  
United States District Judge